



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1028

adult cabaret performances; prohibited locations

Purpose

Prohibits a person or business from engaging in an adult cabaret performance on public property or in a location where the person knows or has reason to know that the performance could be viewed by a minor.

Background

An *adult cabaret* excludes any establishment with a license to sell alcohol, and includes any nightclub, bar, restaurant or other similar commercial establishment that regularly features: 1) persons who appear in a state of nudity or who are seminude; 2) live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities; or 3) films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas ([A.R.S. § 13-1422](#)).

A class 1 misdemeanor carries a maximum jail sentence of six months and a civil penalty of not more than \$2,500. A class 6 felony carries a presumptive prison sentence of one year and a fine not to exceed \$150,000 to be determined by the court (A.R.S. §§ [13-702](#); [13-707](#); [13-801](#); and [13-802](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person or business from engaging in an adult cabaret performance on public property, or in a location where the person knows or has reason to know that the performance could be viewed by a minor.
2. Classifies a first violation as a class 1 misdemeanor, and a second or subsequent violation as a class 6 felony.
3. Specifies that counties and municipalities are not prohibited from enacting and enforcing ordinances that regulate the location of adult cabaret performances in a manner that is at least as restrictive as this legislation.
4. Assigns the same meaning to *adult cabaret* as prescribed in statute.

5. Defines *adult cabaret performance* as a sexually explicit performance in a location other than an adult cabaret, regardless of whether the performance is for consideration.
6. Defines *sexually explicit* as an intention to arouse or satisfy the sexual desires or appeal to the prurient interest.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adds businesses to the prohibition against engaging in an adult cabaret performance in specified locations.
2. Modifies the definition of *adult cabaret performance* to exclude drag shows and specify that drag performers included in the definition are those that provide entertainment in a sexually explicit manner.
3. Adds definitions for *drag performer* and *sexually explicit*.

Amendments Adopted by Committee of the Whole

1. Specifies that a person must know or have reason to know that an adult cabaret performance could be viewed by a minor in a certain location in order to be in violation of the prohibition.
2. Modifies the definition of *adult cabaret performance* to mean a sexually explicit performance in a location other than an adult cabaret, regardless of whether the performance is for consideration.
3. Removes the definition of *drag performer*.

Senate Action

JUD 2/1/23 DPA 4-3-0

Prepared by Senate Research

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ZD/sr